

REMARKS

Claims 1 through 23 continue to be in the case.

The Office Action refers to the Specification.

1. The abstract of the disclosure is objected to because in line 1, "And" should be

--An--. Correction is required. See MPEP § 608.01(b).

Appropriate correction is required.

A revised Abstract of the Disclosure is being submitted.

The Office Action refers to Claim Rejections - 35 USC § 112.

3. Claims 1-6,8,10-19 and 21-23 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1,11,14,17,18 and 21, "the ignition protection kind flame proof enclosure "d"" is unclear since type "d" is an industry standard for enclosures. Industry standards are indefinite since they can change over time. The "d" standard should be taken out of the claim and replaced by specifics of what constitutes the standard.

Applicant is enclosing the document "Elektrische Betriebsmittel für explosionsgefährdete Bereiche, Druckfeste Kapselung „d“, Deutsche

Fassung EN 50018:2000" of December 2001. Page 5 of this document brings definitions, and in particular under 3.1: Druckfeste Kapselung „d“:
„A type of ignition protection, wherein the parts, which can ignite an atmosphere capable of explosion, are disposed in an enclosure, wherein the enclosure withstands the pressure generated upon explosion of a mixture capable of explosion in the interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to the atmosphere capable of explosion and surrounding the enclosure.“

In view of this Definition, the term “the ignition protection kind flame proof enclosure "d"” in the claims will be substituted by the language:
“the ignition protection kind flame proof enclosure, wherein parts, which can ignite an atmosphere capable of explosion, are disposed in the enclosure, wherein the enclosure withstands a pressure generated upon explosion of a mixture capable of explosion in an interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to an atmosphere capable of explosion and surrounding the enclosure ”

In claims 1,11,14,17,18 and 21 according to the Office Action, "a profile clamp connecting the casing parts shape matching against the force of an explosion" is indefinite since it is unclear which are shape matching, are the casing parts shape matched with each other, or is the profile clamp shape matched against the casing parts.

The profile clamp is shape matching to the casing parts and claims 1, 11, 14, 17, 18 and 21 have been amended to clarify the situation.

In claims 1,11,14,17,18 and 21, "a slot safe against ignition punch" is indefinite since the term "ignition punch" is not clearly explained in the applicant's disclosure. The section (page 10, lines 2 and 3) cited in the applicant's response gives no definition or explanation of the term "ignition punch".

The above recited document "Elektrische Betriebsmittel für explosionsgefährdete Bereiche, Druckfeste Kapselung „d“, Deutsche Fassung EN 50018:2000" of December 2001 is relevant to this question raised in the Office Action. Page 5 of this document brings definitions, and in particular under 3.3:

Ignition punch safe slot:

"the position, at which corresponding surfaces of two parts of an enclosure come together, or the connection of enclosures, and which position prevents the transfer of an explosion from the interior of the enclosure to the atmosphere capable of explosion and surrounding the enclosure."

Applicant submits that this furnishes a proper definition for an "ignition punch safe slot:".

In claim 4, line 5, according to the Office Action, the term "preferably" (before "essentially") renders the claim indefinite since the limitations thereafter are optional. Therefore, since these limitations have not been positively claimed, they have not been examined on their merits.

Claim 4 is being amended to obviate the rejection.

The claims have been examined as best understood.

The Office Action refers to Claim Rejections - 35 USC § 102.

5. Claims 1-6,8,10,12,13,22 and 23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Saito (US 6,025,991).

Regarding claim 1, Saito discloses in Fig. 4, a device casing comprising: two casing parts 5 and 6 having wall parts 5a and 6a disposed toward each other; a profile clamp 1 a,1 d connecting the casing parts; a slot between the wall parts (see Fig. 3).

Applicant respectfully traverses.

The present application discloses that the casing parts are in direct contact between each other.

In clear contrast to the present application, Saito clearly teaches an absence of such direct contact of the casing parts.

Furthermore the reference Saito teaches a presence of through holes 5b, 6b (see the Saito reference drawings). In clear contrast, the present application does not show any through holes.

Claim 1 of the present application requires a presence of a slot. The Office Action refers to Fig. 3 of the Saito reference, but it is still not clear what element of the Saito reference is the "slot" in Saito?

Regarding claim 2, the profile clamp 1a is about a C-shape.

It appears that the elements 1b of the Saito reference are protrusions only. Therefore, a C-shape is not clear in the Saito reference.

Regarding claim 3, the clamp has a base web 1a and side webs 1d corresponding to each casing part 5 and 6.

It is respectfully submitted that the profile clamp of the applicant engages the casing parts from the outer side of the casing part. In contrast the Saito reference teaches that a profile clamp engages from an inner side of the casing part.

Regarding claim 5, according to the Office Action a supplemental slot 5b,6b is formed between a stop face of the side webs 1a and a support face of the casing parts 5 and 6 (see Fig. 3).

Applicant urges that the elements 5b, 6b of the Saito reference do not represent a "supplemental slot".

The Office Action refers to Allowable Subject Matter

6. Claims 11,14-19 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges the finding of allowable subject matter by the Examiner. The claims 11, 14, 17, 18, and 21 are being amended to be in fully allowable form.

The present amendment is intended to present claims which are deemed to be in better form for appeal.

The present amendment is deemed to remove and/or simplify issues which would otherwise require consideration in an appeal.

The present amendment is believed not to present any new issues since the claims are substantially based on previously presented claims and since such limitations had been individually submitted earlier and had been considered earlier.

It is submitted that the amendment is a bona fide attempt to advance the prosecution by amendments to the claims seeking to overcome rejections based on the applied prior art and/or rejections under 35 U.S.C. 112.

It is submitted that the present amendment complies with observations made in the Final Rejection.

Reconsideration of all outstanding rejections is respectfully requested.

Entry of the present amendment is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

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MARKED-UP COPY OF THE AMENDED SPECIFICATION:

Page 7, the fourth paragraph has been amended as follows:

[“BRIEF DESCRIPTION OF THE DRAWING”] BRIEF
DESCRIPTION OF THE DRAWINGS

MARKED-UP VERSION OF AMENDED CLAIMS:

1. (two times amended) An electrical device with the casing (1,20,44,52) of the ignition protection kind flame proof enclosure ["d"] , wherein parts, which can ignite an atmosphere capable of explosion, are disposed in the enclosure, wherein the enclosure withstands a pressure generated upon explosion of a mixture capable of explosion in an interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to an atmosphere capable of explosion and surrounding the enclosure, comprising:

two casing parts (2,3,23,24, 45, 56) having wall parts (5,6,21, 22, 48, 55), wherein the wall parts (5,6,21, 22, 48, 55) disposed toward each other;

a profile clamp (4,29, 46, 53) formed shape matching to the casing parts (2,3,23,24, 45, 56) and connecting the casing parts (2,3,23,24, 45, 56) {shape matching] against the force of an explosion like internal pressure of the casing;

a slot (7, 28) safe against ignition punch furnished between the wall parts (5,6,21, 22, 48, 55) and the profile clamp (4,29, 46, 53).

4. (twice amended) The electrical device according to claim 3, wherein the side webs (9,10,31, 32, 47, 54) of the profile clamp (4,29, 46, 53) disposed at a distance relative to each other are disposed at one and the same side of the base web (8,30) having a rectangular cross-section under an angle, and [preferably] essentially are disposed at a right angle relative to the rectangle base web (8,30).

11. (two times amended) An electrical device with the casing (1,20,44,52) of the ignition protection kind flame proof enclosure ["d"] , wherein parts, which can ignite an atmosphere capable of explosion, are disposed in the enclosure, wherein the enclosure withstands a pressure generated upon explosion of a mixture capable of explosion in an interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to an atmosphere capable of explosion and surrounding the enclosure, comprising:

two casing parts (2,3,23,24, 45, 56) having wall parts (5,6,21, 22, 48, 55), wherein the wall parts (5,6,21, 22, 48, 55) disposed toward each other;

a profile clamp (4,29, 46, 53) formed shape matching to the casing parts (2,3,23,24, 45, 56) and connecting the casing parts (2,3,23,24, 45, 56) [shape matching] against the force of an explosion like internal pressure of the casing;

a slot (7, 28) safe against ignition punch furnished between the wall parts (5,6,21, 22, 48, 55) and the profile clamp (4,29, 46, 53);

wherein a face (13,37) of a base web (8,30) of the profile clamp (4,29, 46, 53) together with an outer side (14,36) of at least one of the casing parts (2,23, 24, 56) forms a substantially common plane.

14. (two times amended) An electrical device with the casing (1,20,44,52) of the ignition protection kind flame proof enclosure ["d"] , wherein parts, which can ignite an atmosphere capable of explosion, are disposed in the enclosure, wherein the enclosure withstands a pressure

generated upon explosion of a mixture capable of explosion in an interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to an atmosphere capable of explosion and surrounding the enclosure,
comprising:

two casing parts (2,3,23,24, 45, 56) having wall parts (5,6,21, 22, 48, 55), wherein the wall parts (5,6,21, 22, 48, 55) disposed toward each other;
a profile clamp (4,29, 46, 53) formed shape matching to the casing parts (2,3,23,24, 45, 56) and connecting the casing parts (2,3,23,24, 45, 56) [shape matching] against the force of an explosion like internal pressure of the casing;
a slot (7, 28) safe against ignition punch furnished between the wall parts (5,6,21, 22, 48, 55) and the profile clamp (4,29, 46, 53);
an additional wall (25) disposed between the two wall parts (23, 24) of the casing (20).

17. (two times amended) An electrical device with the casing (1,20,44,52) of the ignition protection kind flame proof enclosure ["d"] ,
wherein parts, which can ignite an atmosphere capable of explosion, are disposed in the enclosure, wherein the enclosure withstands a pressure generated upon explosion of a mixture capable of explosion in an interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to an atmosphere capable of explosion and surrounding the enclosure,
comprising:

two casing parts (2,3,23,24, 45, 56) having wall parts (5,6,21, 22, 48, 55), wherein the wall parts (5,6,21, 22, 48, 55) disposed toward each other;

a profile clamp (4,29, 46, 53) formed shape matching to the casing parts (2,3,23,24, 45, 56) and connecting the casing parts (2,3,23,24, 45, 56) [shape matching] against the force of an explosion like internal pressure of the casing;

a slot (7, 28) safe against ignition punch furnished between the wall parts (5,6,21, 22, 48, 55) and the profile clamp (4,29, 46, 53);

wherein ends of two profile clamps (4,29, 46, 53) abut to each other in a casing corner region such that a planar or non-planar ignition punch safe profile slot (43,60) is formed.

18. (two times amended) An electrical device with the casing (1,20,44,52) of the ignition protection kind flame proof enclosure ["d"] , wherein parts, which can ignite an atmosphere capable of explosion, are disposed in the enclosure, wherein the enclosure withstands a pressure generated upon explosion of a mixture capable of explosion in an interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to an atmosphere capable of explosion and surrounding the enclosure, comprising:

two casing parts (2,3,23,24, 45, 56) having wall parts (5,6,21, 22, 48, 55), wherein the wall parts (5,6,21, 22, 48, 55) disposed toward each other;

a profile clamp (4,29, 46, 53) formed shape matching to the casing parts (2,3,23,24, 45, 56) and connecting the casing parts (2,3,23,24, 45, 56) [shape matching] against the force of an explosion like internal pressure of the casing;

a slot (7, 28) safe against ignition punch furnished between the wall parts (5,6,21, 22, 48, 55) and the profile clamp (4,29, 46, 53); wherein a profile is

formed at least one end of the profile clamp (4,29, 46, 53) and wherein at an end of a second profile clamp (4,29, 46, 53), in each case a profile is formed out of projections (41) and recesses (42), wherein the projections (41) of the one profile clamp (4,29, 46, 53) engage into the recesses (42) of the other profile clamp (4,29, 46, 53) and wherein an ignition punch safe profile slot (43) is formed between the projections (41) and the recesses (42).

21. (two times amended) An electrical device with the casing (1,20,44,52) of the ignition protection kind flame proof enclosure [“d”] , wherein parts, which can ignite an atmosphere capable of explosion, are disposed in the enclosure, wherein the enclosure withstands a pressure generated upon explosion of a mixture capable of explosion in an interior of the enclosure and wherein the enclosure prevents a transfer of the explosion to an atmosphere capable of explosion and surrounding the enclosure, comprising:

two casing parts (2,3,23,24, 45, 56) having wall parts (5,6,21, 22, 48, 55), wherein the wall parts (5,6,21, 22, 48, 55) disposed toward each other;

a profile clamp (4,29, 46, 53) formed shape matching to the casing parts (2,3,23,24, 45, 56) and connecting the casing parts (2,3,23,24, 45, 56) [shape matching] against the force of an explosion like internal pressure of the casing;

a slot (7, 28) safe against ignition punch furnished between the wall parts (5,6,21, 22, 48, 55) and the profile clamp (4,29, 46, 53); wherein a corner region of the profile clamp is formed polygonal and exhibits at least two ignition punch safe profile slots (43).